



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/557,440	11/18/2005	Peter Toth	U 016032-1	8489

140 7590 06/28/2010
LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NY 10023

EXAMINER

DANG, DUY M

ART UNIT	PAPER NUMBER
----------	--------------

2624

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

06/28/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

nyuspatactions@ladas.com

Office Action Summary	Application No. 10/557,440	Applicant(s) TOTH ET AL.	
	Examiner Duy M. Dang	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims listed below are objected to because of the following informalities:

For claims 1, 14, 35 and 44, blank spaces (or missing text) before and after “characterized by that” ought to be removed or corrected; and

For claim 23, blank spaces (or missing text) before and after “characterized by that in step b, during the search for reference blocks” ought to be removed or corrected.

For claim 8, line 3 before last line (or page 73 line 1), missing or incomplete text is at the end of the line (i.e., “...*with the computed “sum” va*”).

For claim 28, line 1 (or page 77 line 1), missing or incomplete text is at the end of the line.

For claim 38, line 1 (or page 79 line 1), missing or incomplete text is at the end of the line.

For claim 49, line 3 before last line (or page 81 line 1), missing or incomplete text is at the end of the line.

For claim 58, line 1 (or page 82 line 1), missing or incomplete text appears to be at the end of the line.

Appropriate correction is required.

2. Claims 5-13, 18-22, 25-34, 38-43 and 51-60 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim. See MPEP § 608.01(n).

Accordingly, these claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 57 is rejected under 35 U.S.C. 112, first paragraph, because of the reasons as follows:

It is noted that claim 95 is directed to an apparatus comprising means adapted for performing the steps of the method according to any one of claims 1-55. Thus type of claim is considered as a single mean claim. Therefore, claim 57 is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. See MPEP 2164.08(a).

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-56 and 58-60 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 58 is directed to software and claim fails to positively recite non-transitory media for storing software/program. Thus type of claim does not fall into one of the four statutory set forth in 35 USC 101. Thus claim 58 fails to satisfy 35 USC 101.

All method claims 1-56 and 60 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent (See *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)) and recent Federal

Art Unit: 2624

Circuit decisions (See *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008)) indicate that a statutory “process” under 35 U.S.C. 101 must (1) be tied to “a particular apparatus”, or (2) transform underlying subject matter (such as an article or material) to a different state or thing.

In this case, claim 1, is not tied to any “a particular apparatus/machine” that accomplishes the claimed method steps, and therefore claim fails to meet the first branch of the “machine-or-transformation” test set forth in *Bilski* Court. Furthermore, claim also fails the second branch of the “machine-or-transformation” test because claim does not contain or require an *article* that is transformed and reduced “to a different state or thing.” See *Diamond v. Diehr*, 450 U.S. at 184. While claim does perform some transformation, it does not positively recite a visual depiction of an video frame sequence compressed (or video frame sequence after compression). Such transformation is not considered as a transformation sufficient to render a claimed process patent-eligible. See *Bilski* (discussing *In re Abele*, 684 F.2d 902, 908-09 (CCPA 1982)).

Thus, claim 1 fails to meet the “machine-or-transformation” test as set forth in *Bilski* Court for that reasons.

Likewise, claims 2-56 and 60 are rejected for the same reasons as set forth in claim 1 above.

Regarding claim 59, it is noted that this claim is directed to “coded sequence” and the instant specification is silent in defining what “coded sequence” is referred to. With given broadest reasonably interpretation, claimed coded sequence might be referred to signal/data which is not one of the four statutory set forth in 35 USC 101.

7. The subject matter of claims 1-60 are not indicated allowable in light of the objection and rejections under 35 USC 112 and 101 above.

Art Unit: 2624

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 6:00AM to 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew C. Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dmd
6/2010

/Duy M Dang/
Primary Examiner, Art Unit 2624